

AMENDED IN ASSEMBLY JUNE 21, 2007

AMENDED IN SENATE MAY 16, 2007

AMENDED IN SENATE MARCH 29, 2007

SENATE BILL

No. 720

Introduced by Senator Kuehl

February 23, 2007

An act to amend Sections 11400 and 11465, 11465, and 16501.25 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 720, as amended, Kuehl. Foster children.

Existing law relating to the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program defines various categories of placement options for eligible foster children. One of these categories is the "whole family foster home," which is defined as a family home, approved relative caregiver or nonrelative extended family member's home, or certified family home, that provides foster care for a minor parent and his or her child, and is specifically recruited and trained in this regard.

Existing law provides for Kinship Guardianship Assistance Payment Program (Kin-GAP) and the Kin-GAP Plus programs, as a part of the CalWORKs program, which provides aid on behalf of specified categories of eligible children who are placed in the home of a relative caretaker.

This bill would expand the definition of a whole family foster home by specifying that this category includes both new and existing foster homes, and by including the ~~home~~ *homes* of a nonrelated legal guardian

guardians and related guardians participating in the Kin-GAP program, who-is are appropriately recruited and trained.

Existing law establishes a schedule of rates payable under the AFDC-FC program. Existing law requires the payment made for care and supervision of a child who is living with a teen parent in a whole family foster home to equal the basic rate for children placed in a licensed or approved home, as specified.

This bill would require the payment made for the care and supervision of a dependent infant who is living with his or her dependent teen parent in a group home to equal the infant supplemental rate for group home payments.

Existing law requires a shared responsibility plan to be developed between a teen parent, as defined, caregiver, and other county or state representatives, as appropriate, for the care of the child of a teen parent when the child of a teen parent is not under the jurisdiction of the dependency court but is in the full or partial physical custody of the teen parent who is living in an out-of-home placement in a whole family foster home, as defined.

This bill would expand the meaning of “teen parent” to include, under specified circumstances, a child adjudged to be a current or former dependent child or ward of the court or a child who is a ward of a nonrelated legal guardian and receiving case management, living in an out-of home placement in a whole family foster home, who is a parent.

Existing law continuously appropriates funds for allocation to each county for the adequate care of children eligible to receive AFDC-FC benefits.

This bill would provide that no appropriation pursuant to provisions of law continuously appropriating funds for the AFDC-FC program would be made for the purposes of funding the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11400 of the Welfare and Institutions
- 2 Code, as amended by Section 4.5 of Chapter 630 of the Statutes
- 3 of 2005, is amended to read:
- 4 11400. For the purposes of this article, the following definitions
- 5 shall apply:

1 (a) “Aid to Families with Dependent Children-Foster Care
2 (AFDC-FC)” means the aid provided on behalf of needy children
3 in foster care under the terms of this division.

4 (b) “Case plan” means a written document that, at a minimum,
5 specifies the type of home in which the child shall be placed, the
6 safety of that home, and the appropriateness of that home to meet
7 the child’s needs. It shall also include the agency’s plan for
8 ensuring that the child receive proper care and protection in a safe
9 environment, and shall set forth the appropriate services to be
10 provided to the child, the child’s family, and the foster parents, in
11 order to meet the child’s needs while in foster care, and to reunify
12 the child with the child’s family. In addition, the plan shall specify
13 the services that will be provided or steps that will be taken to
14 facilitate an alternate permanent plan if reunification is not possible.

15 (c) “Certified family home” means a family residence certified
16 by a licensed foster family agency and issued a certificate of
17 approval by that agency as meeting licensing standards, and used
18 only by that foster family agency for placements.

19 (d) “Family home” means the family residency of a licensee in
20 which 24-hour care and supervision are provided for children.

21 (e) “Small family home” means any residential facility, in the
22 licensee’s family residence, which provides 24-hour care for six
23 or fewer foster children who have mental disorders or
24 developmental or physical disabilities and who require special care
25 and supervision as a result of their disabilities.

26 (f) “Foster care” means the 24-hour out-of-home care provided
27 to children whose own families are unable or unwilling to care for
28 them, and who are in need of temporary or long-term substitute
29 parenting.

30 (g) “Foster family agency” means any individual or organization
31 engaged in the recruiting, certifying, and training of, and providing
32 professional support to, foster parents, or in finding homes or other
33 places for placement of children for temporary or permanent care
34 who require that level of care as an alternative to a group home.
35 Private foster family agencies shall be organized and operated on
36 a nonprofit basis.

37 (h) “Group home” means a nondetention privately operated
38 residential home, organized and operated on a nonprofit basis only,
39 of any capacity, or a nondetention licensed residential care home
40 operated by the County of San Mateo with a capacity of up to 25

1 beds, that provides services in a group setting to children in need
2 of care and supervision, as required by paragraph (1) of subdivision
3 (a) of Section 1502 of the Health and Safety Code.

4 (i) “Periodic review” means review of a child’s status by the
5 juvenile court or by an administrative review panel, that shall
6 include a consideration of the safety of the child, a determination
7 of the continuing need for placement in foster care, evaluation of
8 the goals for the placement and the progress toward meeting these
9 goals, and development of a target date for the child’s return home
10 or establishment of alternative permanent placement.

11 (j) “Permanency planning hearing” means a hearing conducted
12 by the juvenile court in which the child’s future status, including
13 whether the child shall be returned home or another permanent
14 plan shall be developed, is determined.

15 (k) “Placement and care” refers to the responsibility for the
16 welfare of a child vested in an agency or organization by virtue of
17 the agency or organization having (1) been delegated care, custody,
18 and control of a child by the juvenile court, (2) taken responsibility,
19 pursuant to a relinquishment or termination of parental rights on
20 a child, (3) taken the responsibility of supervising a child detained
21 by the juvenile court pursuant to Section 319 or 636, or (4) signed
22 a voluntary placement agreement for the child’s placement; or to
23 the responsibility designated to an individual by virtue of his or
24 her being appointed the child’s legal guardian.

25 (l) “Preplacement preventive services” means services that are
26 designed to help children remain with their families by preventing
27 or eliminating the need for removal.

28 (m) “Relative” means an adult who is related to the child by
29 blood, adoption, or affinity within the fifth degree of kinship,
30 including stepparents, stepsiblings, and all relatives whose status
31 is preceded by the words “great,” “great-great,” or “grand” or the
32 spouse of any of these persons even if the marriage was terminated
33 by death or dissolution.

34 (n) “Nonrelative extended family member” means an adult
35 caregiver who has an established familial or mentoring relationship
36 with the child, as described in Section 362.7.

37 (o) “Voluntary placement” means an out-of-home placement
38 of a child by (1) the county welfare department after the parents
39 or guardians have requested the assistance of the county welfare
40 department and have signed a voluntary placement agreement; or

(2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

(p) “Voluntary placement agreement” means a written agreement between either the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

(1) The legal status of the child.

(2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed.

(q) “Original placement date” means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a child due to termination of parental rights, relinquishment, or voluntary placement.

(r) “Transitional housing placement facility” means either of the following:

(1) A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years of age, and not more than 18 years of age unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(2) A facility certified to provide transitional housing services pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code.

(s) “Transitional housing placement program” means a program that provides supervised housing opportunities to eligible youth pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4.

(t) “Whole family foster home” means a new or existing family home, approved relative caregiver or nonrelative extended family member’s home, nonrelated legal guardian’s home, or certified

1 family home that provides foster care for a minor parent and his
2 or her child, *or related guardian's home that provides care for a*
3 *minor parent and his or her child under the Kin-GAP program,*
4 and is specifically recruited and trained to assist the minor parent
5 in developing the skills necessary to provide a safe, stable, and
6 permanent home for his or her child. The child of the minor parent
7 need not be the subject of a petition filed pursuant to Section 300
8 to qualify for placement in a whole family foster home.

9 (u) This section shall become operative on January 1, 2008.

10 SEC. 2. Section 11465 of the Welfare and Institutions Code is
11 amended to read:

12 11465. (a) When a child is living with a parent who receives
13 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
14 behalf of the parent shall include an amount for care and
15 supervision of the child.

16 (b) For each category of eligible licensed community care
17 facility, as defined in Section 1502 of the Health and Safety Code,
18 the department shall adopt regulations setting forth a uniform rate
19 to cover the cost of care and supervision of the child in each
20 category of eligible licensed community care facility.

21 (c) (1) On and after July 1, 1998, the uniform rate to cover the
22 cost of care and supervision of a child pursuant to this section shall
23 be increased by 6 percent, rounded to the nearest dollar. The
24 resultant amounts shall constitute the new uniform rate.

25 (2) (A) On and after July 1, 1999, the uniform rate to cover the
26 cost of care and supervision of a child pursuant to this section shall
27 be adjusted by an amount equal to the California Necessities Index
28 computed pursuant to Section 11453, rounded to the nearest dollar.
29 The resultant amounts shall constitute the new uniform rate, subject
30 to further adjustment pursuant to subparagraph (B).

31 (B) In addition to the adjustment specified in subparagraph (A),
32 on and after January 1, 2000, the uniform rate to cover the cost of
33 care and supervision of a child pursuant to this section shall be
34 increased by 2.36 percent, rounded to the nearest dollar. The
35 resultant amounts shall constitute the new uniform rate.

36 (3) Subject to the availability of funds, for the 2000–01 fiscal
37 year and annually thereafter, these rates shall be adjusted for cost
38 of living pursuant to procedures in Section 11453.

39 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
40 payment made pursuant to this section for care and supervision of

1 a child who is living with a teen parent in a whole family foster
2 home, as defined in Section 11400 shall equal the basic rate for
3 children placed in a licensed or approved home as specified in
4 subdivisions (a) to (d), inclusive, of Section 11461.

5 (2) The amount paid for care and supervision of a dependent
6 infant living with a dependent teen parent receiving AFDC-FC
7 benefits in a group home placement shall equal the infant
8 supplement rate for group home placements.

9 (3) The caregiver shall provide the county child welfare agency
10 or probation department with a copy of the shared responsibility
11 plan developed pursuant to Section 16501.25 and shall advise the
12 county child welfare agency or probation department of any
13 subsequent changes to the plan. Once the plan has been completed
14 and provided to the appropriate agencies, the payment made
15 pursuant to this section shall be increased by an additional two
16 hundred dollars (\$200) per month to reflect the increased care and
17 supervision while he or she is placed in the whole family foster
18 home.

19 (4) In any year in which the payment provided pursuant to this
20 section is adjusted for the cost of living as provided in paragraph
21 (1) of subdivision (c), the payments provided for in this subdivision
22 shall also be increased by the same procedures.

23 *SEC. 3. Section 16501.25 of the Welfare and Institutions Code*
24 *is amended to read:*

25 16501.25. (a) For the purposes of this section, “teen parent”
26 means a child who has been adjudged to be a *current or former*
27 dependent child or ward of the court on the grounds that he or she
28 is a person described under Section 300 or Section 602, *or a ward*
29 *of a nonrelated legal guardian described under Section 1513 of*
30 *the Probate Code and receiving case management services under*
31 *Section 11405*, living in out-of-home placement in a whole family
32 foster home, as defined in subdivision (u) of Section 11400, who
33 is a parent.

34 (b) (1) When the child of a teen parent is not subject to the
35 jurisdiction of the dependency court but is in the full or partial
36 physical custody of the teen parent, a written shared responsibility
37 plan shall be developed. The plan shall be developed between the
38 teen parent, caregiver, and a representative of the county child
39 welfare agency or probation department, and in the case of a
40 certified home, a representative of the agency providing direct and

1 immediate supervision to the caregiver. Additional input may be
2 provided by any individuals identified by the teen parent, the other
3 parent of the child, if appropriate, and other extended family
4 members. The plan shall be developed as soon as is practicably
5 possible. However, if one or more of the above stakeholders are
6 not available to participate in the creation of the plan within the
7 first 30 days of the teen parent's placement, the teen parent and
8 caregiver may enter into a plan for the purposes of fulfilling the
9 requirements of paragraph (2) of subdivision (d) of Section 11465,
10 which may be modified at a later time when the other individuals
11 become available.

12 (2) The plan shall be designed to preserve and strengthen the
13 teen parent family unit, as described in Section 16002.5, to assist
14 the teen parent in meeting the goals outlined in Section 16002.5,
15 to facilitate a supportive home environment for the teen parent and
16 the child, and to ultimately enable the teen parent to independently
17 provide a safe, stable, and permanent home for the child. The plan
18 shall in no way limit the teen parent's legal right to make decisions
19 regarding the care, custody, and control of the child.

20 (3) The plan shall be written for the express purpose of aiding
21 the teen parent and the caregiver to reach agreements aimed at
22 reducing conflict and misunderstandings. The plan shall outline,
23 with as much specificity as is practicable, the duties, rights, and
24 responsibilities of both the teen parent and the caregiver with regard
25 to the child, and identify supportive services to be offered to the
26 teen parent by the caregiver or, in the case of a certified home, the
27 agency providing direct and immediate supervision to the caregiver,
28 or both. The plan shall be updated, as needed, to account for the
29 changing needs of infants and toddlers, and in accordance with
30 the teen parent's changing school, employment, or other outside
31 responsibilities. The plan shall not conflict with the teen parent's
32 case plan. Areas to be addressed by the plan include, but are not
33 limited to, all of the following:

34 (A) Feeding.

35 (B) Clothing.

36 (C) Hygiene.

37 (D) Purchase of necessary items, including, but not limited to,
38 safety items, food, clothing, and developmentally appropriate toys
39 and books. This includes both one-time purchases and items needed
40 on an ongoing basis.

1 (E) Health care.

2 (F) Transportation to health care appointments, child care, and
3 school, as appropriate.

4 (G) Provision of child care and babysitting.

5 (H) Discipline.

6 (I) Sleeping arrangements.

7 (J) Visits among the child, his or her noncustodial parent, and
8 other appropriate family members, including the responsibilities
9 of the teen parent, the caregiver, and the foster family agency, as
10 appropriate, for facilitating the visitation. The shared responsibility
11 plan shall not conflict with the teen parent's case plan and any
12 visitation orders made by the court.

13 (c) Upon completion of the shared responsibility plan and any
14 subsequent updates to the plan, a copy shall be provided to the
15 teen parent and his or her attorney, the caregiver, the county child
16 welfare agency or probation department and, in the case of a
17 certified home, the agency providing direct and immediate
18 supervision to the caregiver.

19 ~~SEC. 3.~~

20 *SEC. 4.* No appropriation pursuant to Section 15200 of the
21 Welfare and Institutions Code shall be made for the purposes of
22 funding this act.